

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Grievance Policy

1. Policy Statement

1.1 RBWM places responsibility upon all employees and line managers to develop a normal working relationship where:

- employees are treated first and foremost as people with individual needs and expectations; and
- any individual's problems are dealt with openly, promptly, fairly, frankly and as near to the source as possible.

1.2 To this end a Grievance Procedure, which is a separate document, has been formulated to aid the process and forms part of the overall Grievance Policy.

1.3 Where a problem is considered to be of a sufficiently serious nature to be termed as a grievance, the formal Grievance Procedure provides a framework for dealing quickly and fairly with the matter.

1.4 The policy and procedure have been reviewed and updated in line with the Employment Act 2008 and the ACAS Code of Practice on Grievance Procedures.

2. Purpose

2.1 A grievance is defined as “ a complaint by an employee about action which his employer has taken or is contemplating taking in relation to him” (Employment Act 2002 (Disputes Resolution) Regulations 2004)

2.2 This policy and the accompanying procedure aims to ensure that all staff have access to a fair mechanism of raising and resolving any concern, grievance or certain other issues relating to their employment within the above definition.

2.3 However, the overriding principle is that matters considered within the formal Grievance Procedure are capable of being resolved. It follows that matters deemed irresolvable in the circumstances will need to be identified at an early stage to avoid any inappropriate use of resources.

2.4 The procedure does not apply to the following situations:

- where the Council has no control over the matter, although the Council will give information and advice where possible to help the employee resolve the matter See also 6.5
- the procedure has been invoked within 6 months of the completion of any action under the grievance procedure of the same or similar issue, unless the original action agreed to redress the grievance has not been implemented

2.5 This policy does *not* cover issues relating to the following matters for which separate policies/procedures exist to accommodate these specific circumstances:

- capability
- discipline
- raising concerns at work (whistleblowing)
- absence, including sickness and ill health
- matters which are the subject of national determination and/or national collective bargaining.

2.6 Issues uncovered during the grievance process of a disciplinary nature will need to be followed up using the disciplinary procedure.

2.7 Grievances raised whilst an employee is subject to the disciplinary process may result in a temporary cessation of the disciplinary process to resolve the grievance. Where the issues are linked, the processes will be dealt with concurrently.

2.8 Wherever possible grievances should be completed whilst an employee is still in employment with the Council. However, in the event that the process is not complete and the employment has ended, the Council will continue the process and ex-employees are encouraged to participate in the process. In their absence a decision will be made based on all available information.

3. Scope

3.1 With the exception of school-based staff, for whom a separate policy and procedure exists, this policy applies equally to all permanent and temporary employees of the Royal Borough of Windsor and Maidenhead.

4. Collective Grievances

4.1 Trade Union representatives or other workplace representatives may raise a collective grievance on behalf of their members or groups of two or more staff.

4.2 If, following informal discussions, the matter is unresolved, a formal collective grievance can be lodged with and heard by a Head of Service or Director or the Chief Executive, depending upon the nature and scope of the issue

4.3 . If this process fails to resolve matters then the collective grievance would be referred to Members of the Employment Panel by way of an appeal.

4.4 The conduct of the process would be in accordance with the Grievance Procedure for individual grievances. However the timescale for the Employment Panel to hear the case would be within 20 working days of receipt of the request (or sooner where practicable)

4.5 In the event that the matter remain unresolved following consideration by the Employment Panel, either side may refer the matter to ACAS for conciliation and/or mediation and/or arbitration.

5. Objectives

- To address and resolve grievances as early and as quickly as possible.
- To prevent minor disagreements becoming major disputes unnecessarily.
- To find the most satisfactory resolution for all parties.
- To ensure that decisions are made objectively and are non-discriminatory.
- To maintain the relationship between RBWM and its employees through support and involvement.
- To settle all grievances fairly, consistently and within reasonable time-scales.
- By encouraging better communications the likelihood of litigation can be reduced.

6. Advice and Confidentiality

6.1 At any stage of the Grievance Procedure an employee may seek procedural advice from Human Resources Advisory team. When seeking advice the employee should request an interview and refer to this provision of the Grievance Policy.

6.2 At any stage of the Grievance Procedure line managers/Director are encouraged to seek advice from Human Resources Advisory on all aspects of the procedure. In exceptional circumstances it may be appropriate to consider external mediation as part of the process. The Advisory team can offer a view on this. During mediation the grievance procedure would be suspended pending the outcome.

6.3 In order to facilitate the proper consideration of and decision on a grievance, the employee will be required to authorise the disclosure of any appropriate information to relevant parties necessarily involved in the grievance process.

6.4 Those attending any meeting will keep all matters addressed through the Grievance Procedure, including the recording of grievance proceedings and records, entirely confidential and secure. All records will be kept in line with Council policy and the Data Protection Act.

6.5 The Council's Employee Assistance Programme provides employees with free confidential access to a telephone counselling and advice line. The contact number is 0800 174319 and further details are available on the intranet.

7. Timescales

7.1 The timescales are set out in the procedure and wherever possible the procedure will be operated within those, although there may be occasions when this is not possible. Every effort will be made to progress matters without undue delay. Where it is not possible to respond within the specified time period then the employee will be provided with an explanation for any delay and an indication of when a response can be expected.

7.2 If the employee or their representative cannot attend on the notified date, another meeting will be arranged, so far as is reasonably practicable within 5 working days of the original date.

7.3 At any time a mutual agreement can be reached to set aside the time constraints detailed in the procedure in order to ensure the best opportunity of resolving the issues at the earliest possible stage.

8. Employee Representation

8.1 Employees have the right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the worker, including issues

arising from statute and common law. The chosen companion may be a work colleague, an accredited trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee.

8.2 Employees are entitled to make a reasonable request to be accompanied and must supply the name of their chosen companion to the line manager considering their grievance. It is the employee's responsibility to make arrangements to be accompanied and to arrange for their companion to receive copies of any documents relevant to the case.

8.3 Under the ACAS Code the right to representation relates only to hearings for qualifying issues set out in 8.1. However, this entitlement is extended by the Council to include any investigatory stage of this procedure and any grievance raised.

8.4 In the case of a meeting, the companion has the right to address the meeting to put the employee's case, sum up the case and respond on behalf of the employee to any view expressed at the meeting. They can confer with the employee during the meeting. However, they may not answer questions on behalf of the employee or address the meeting if the employee does not wish them to.

8.5 A representative from the Human Resources Advisory team will be involved at all stages of the procedure and may attend all formal meetings and any informal meetings as appropriate in order to facilitate the process and actively seek a resolution.

9. Appeals

9.1 An employee has a statutory right of appeal against the outcome of their grievance. The Council's Grievance Procedure encompasses this right and also provides an additional right of appeal.

9.2 Should an employee remain dissatisfied with the outcome of the initial grievance meeting he/she may appeal. The Appeal meeting will not rehear the original case, but will focus on the management action taken to date and the reasons for the continued dissatisfaction of the employee with the outcome of the previous meeting. In progressing an appeal the employee must detail how, in their view, their grievance can reasonably be resolved to their satisfaction.

10. Responsibility

10.1 All those persons referred to within the scope of this policy and procedure are required to comply as far as possible with the provisions of the policy and procedure. These provisions may be varied from time to time at RBWM's discretion, after consultation with staff representatives.

10.2 Any manager involved is required to keep within the spirit and intent of the policy as far as possible and in their own area. Any queries on the application or interpretation of this policy and procedure must be discussed with Human Resources Advisory team prior to any action being taken.